

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1221 be amended to read as follows:

- 1 Page 23, between lines 13 and 14, begin a new paragraph and insert:
- 2 "SECTION 44. IC 13-30-10 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]:
- 5 **Chapter 10. Risk Based Remediation Objectives**
- 6 **Sec. 1. As used in this chapter, "plan" refers to a corrective**
- 7 **action plan or remedial action plan under:**
- 8 (1) IC 13-22-13;
- 9 (2) IC 13-23-13;
- 10 (3) IC 13-24-1;
- 11 (4) IC 13-25-4; or
- 12 (5) IC 13-30-3.
- 13 **Sec. 2. A plan for which a certificate of completion is requested**
- 14 **under section 3 of this chapter must specify the remediation**
- 15 **objectives for the site as described in IC 13-25-5-8.5.**
- 16 **Sec. 3. If the department determines that a person has**
- 17 **successfully completed a plan under a statute referred to in section**
- 18 **1 of this chapter, the department shall certify that the plan has**
- 19 **been completed by issuing to the person a certificate of completion.**
- 20 **Sec. 4. If the department issues a certificate of completion to a**
- 21 **person under section 3 of this chapter, the governor shall, upon**
- 22 **request by the person, provide the person with a covenant not to**
- 23 **sue for:**
- 24 (1) any liability, including future liability; or

1           **(2) a claim;**  
2       **resulting from or based on the release or threatened release of a**  
3       **hazardous substance or petroleum that is addressed by an**  
4       **approved plan under a statute referred to in section 1 of this**  
5       **chapter.**

6           **Sec. 5. (a) This chapter does not affect an action or a claim that**  
7       **a person who completes an approved plan has or may have against**  
8       **a third party.**

9           **(b) A person who implements or completes an approved plan**  
10       **under this chapter is not liable for claims for contributions**  
11       **concerning matters addressed in:**

12           **(1) the plan; or**

13           **(2) a certificate of completion issued to the person under**  
14       **section 3 of this chapter.".**

15       Renumber all SECTIONS consecutively.

(Reference is to HB 1221 as printed February 28, 2003.)

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Representative Wolkins